

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 VILNIUS 001271

SIPDIS

STATE FOR EUR/OHI AND EUR/NB

E.O. 12958: N/A

TAGS: [PREL](#) [PHUM](#) [SOCI](#) [LH](#)

SUBJECT: LITHUANIAN PROSECUTOR AGAIN CHALLENGES EDITOR'S
ANTI-SEMITISM

REF: A. VILNIUS 706

[B](#). VILNIUS 1223

[C](#). VILNIUS 1029

SUMMARY

[1](#). (U) Lithuania's Prosecutor General has filed a final appeal of the court order to dismiss the case against the newspaper owner and editor Vitas Tomkus for distributing allegedly anti-Semitic and anti-homosexual articles two years ago. The new appeal argues that the court erred by considering the case on procedural grounds rather than on its merits. A statement supporting the appeal represents the first public act of the newly-appointed Prosecutor General.
END SUMMARY.

A final protest against anti-Semitism

[2](#). (U) The lead prosecutor of the Prosecutor General's Office, Rimvydas Valentukevicius filed a special appeal with the Chief Administrative Court (CAC) November 10 asking the judges to reconsider their September 19 reversal of judgments against Vitas Tomkus, owner and editor of the second largest national daily (Respublika), and three co-editors, previously found guilty of distributing a series of anti-Semitic articles they had published. The CAC had overturned the USD 1,100 judgment on technical grounds in September, finding that the July trial convicting Tomkus of publishing hate speech (ref A) was a form of "double jeopardy" because a previous pre-trial investigation by the prosecutor's office had found no grounds for charges.

Judicial error and a bad precedent

[3](#). (U) Valentukevicius told us that he believes the CAC erred in applying European Court of Human Rights precedent in its decision, and should not have annulled the verdict. He said that if the CAC rejects his current appeal, it will leave no further opportunity to appeal the decision or to prosecute the Respublika case. The Court could consider the appeal during the current term, but likely will delay consideration until early 2006.

[4](#). (U) Kestutis Cilinskas, an attorney and Chairman of the Board of the Human Rights Monitoring Institute, told us that he believes the CAC did not follow "normal legal practice" when it annulled the lower court judgment. He also commented that if this decision stands, it will make it difficult to prosecute similar cases in the future. Cilinskas was not convinced that the judges would reverse themselves, but believed that they will carefully consider the appeal due to the case's high profile.

Pressure from outside...

[5](#). (U) Coalition political parties were quick to come out against Valentukevicius's attempts to resuscitate the case against Tomkus, with all four issuing press releases expressing concern about his actions. The statements criticized the prosecutor's decision to appeal, encouraging the new PG to focus on more serious crimes.

...and support from above

[6](#). (U) New Prosecutor General Algimantas Valentinas, during his early November confirmation hearing in Parliament, stressed the importance of resisting political influence and maintaining an independent prosecutor's office. According to Valentukevicius, the new PG is living up to that pledge, giving Valentukevicius both public and behind-the-scenes support in his pursuit of the Tomkus case.

17. (U) Arnoldas Pranckevicius, an advisor to President Adamkus, confirmed that the Presidency is still following this issue closely. He also said that the President strongly believes in the independence of the new Prosecutor General and trusts that he will not be subject to any external influence, whether from politicians or Tomkus.

Comment

18. (U) GOL prosecutors, from the new Prosecutor General on down, are willing to combat anti-Semitism with every weapon in their legal arsenal. Tomkus can wield substantial influence, but President Adamkus and prosecutors like Valentukevicius and Valentinas are not afraid to stand up to him.
MULL